

Minutes of the Special Meeting held May 20, 2013 at 6:00 p.m. in the Council Chambers

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

Frank Scott, Vice Mayor
Stephanie Karlin
Jim McDonald
Charles Vierhout
Jim Buster

ABSENT/EXCUSED

Ken Weise

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Andrew McGuire, City Attorney
Linda Mendenhall, Records Administrator

1. ROLL CALL

2. EXECUTIVE SESSION

- a. An executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding Winners Development Company vs City of Avondale.
- b. An executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding negotiations for the acquisition of real property.

Council Member McDonald moved to adjourn to executive session; Vice Mayor Scott seconded the motion. All ayes.

3. ADJOURNMENT

With no further business before the Council, Council Member Buster moved to adjourn the Special Meeting. Council Member Vierhout seconded the motion. The motion carried unanimously.

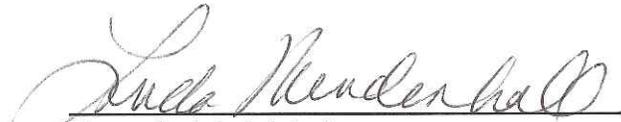
Meeting adjourned at 6:46 p.m.


Marie Lopez Rogers


Linda Mendenhall
Records Administrator

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the Council of the City of Avondale held on the 20th day of May 2013. I further certify that the meeting was duly called and held and that the quorum was present.


Records Administrator

Minutes of the Regular Meeting held May 20, 2013 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

Frank Scott, Vice Mayor
Jim Buster
Stephanie Karlin
Jim McDonald
Charles Vierhout
Ken Weise

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Tracy Stevens, Acting Development & Engineering Services Department Director
Eric Morgan, Planner II
Ken Galica, Planner II
Kevin Artz, Finance and Budget Director
Andrew McGuire, City Attorney
Linda Mendenhall, Records Administrator

1) ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

Linda Mendenhall, Records Administrator, read a statement of participation regarding public appearances.

2) UNSCHEDULED PUBLIC APPEARANCES

There were no unscheduled public appearances.

3) CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. APPROVAL OF MINUTES

Regular Meeting of May 6, 2013

b. LIQUOR LICENSE SERIES 12 – ACQUISITION OF CONTROL – THAI ORCHID GARDEN

A request from Netchanok Aphaisuwan for approval of an application for Acquisition of Control of a Series 12 Restaurant License at Thai Orchid Garden located at 12725 W. Indian School Road in Avondale.

c. LIQUOR LICENSE SERIES 12 – INDIA GARDEN

A request from Prem Brian Tamang for approval of an application for a Series 12 Restaurant License to sell all spirituous liquors at India Garden located at 1809 N. Dysart Road #C106 in Avondale.

d. APPOINTMENT OF JUDGES PRO TEMPORE

A request for the reappointment of eight judges pro tempore to two-year terms expiring on June 1, 2015.

- e. CONSTRUCTION CONTRACT AWARD – SOUTHWEST SLURRY SEAL**
A request to award a construction contract to Southwest Slurry Seal for the 2013 Spring Preservative Micro-Seal & Tire Rubber Modified Surface Seal Program in the amount of \$630,040.15 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- f. PROFESSIONAL SERVICES AGREEMENT – STANLEY CONSULTANTS INC.**
A request to approve a Professional Services Agreement with Stanley Consultants Inc. to provide final traffic engineering design services for the Central Avenue Improvement project in the amount of \$91,267, authorize the transfer of \$91,267 from 304-1267-00-8420 to 304-1178-00-8420, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- g. RESOLUTION 3110-513 – INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FLOOD CONTROL DISTRICT FOR VAN BUREN DRAINAGE-RECREATION CORRIDOR PROJECT**
A resolution authorizing an Intergovernmental Agreement with Maricopa County Flood Control District for the purpose of the Van Buren Drainage – Recreation Corridor Project, and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.
- h. RESOLUTION 3111-513 – AMENDMENT 1 TO INTERGOVERNMENTAL AGREEMENT WITH ADOT FOR THE 99TH AVENUE/MCDOWELL ROAD FIBER OPTIC PROJECT**
A resolution authorizing amendment 1 to the Intergovernmental Agreement with the Arizona Department of Transportation for the administration of the design and construction of the 99th Avenue/McDowell Road Fiber Optic project, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- i. RESOLUTION 3112-513 – INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY AND THE FLOOD CONTROL DISTRICT FOR COLDWATER PARK**
A resolution authorizing an Intergovernmental Agreement with the Flood Control District of Maricopa County to abandon the use, operation, and maintenance of Coldwater Park; and to terminate the 1986 Avondale Landfill Agreement; and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- j. COOPERATIVE PURCHASING AGREEMENT – SBD, INC. FOR COLDWATER PARK DEMOLITION**
A request to approve a Cooperative Purchasing Agreement with SBD Contracting Services in the amount of \$71,067.56 for removal of City property from Coldwater Park and authorize the Mayor or City Manager and City Clerk to execute the applicable contract documents.

Council Member Weise moved to accept the consent agenda as presented. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Weise	Aye
Mayor Rogers	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

4) PUBLIC HEARING – ZONING EXTENSION FOR DIAMOND P RANCH PAD ZONING, ALTERNATIVELY ORDINANCE 1517-513 – ZONING REVERSION

A public hearing and a request by Ms. Carolyn Oberholtzer, Rose Law Group, for a one-year extension of PAD zoning for Diamond P Ranch, located on 244 acres of land south and west of the southwest corner of Avondale Boulevard and Lower Buckeye Road. Alternatively, Council considers an ordinance reverting the zoning of the property back to Agricultural.

Eric Morgan, Development Services, reported that the Diamond P Ranch PAD has had two prior extensions. If approved, this third extension would be one of four allowed under the Zoning Ordinance, and would expire on April 17, 2014. The PAD could be developed with either a school or 130 single-family attached dwellings. At 14.87%, the active open space is below the minimum required of 15%, but the passive open space under the power lines pushes total open space to 20%. All perimeter infrastructure and internal street collectors would have to be built in the first phase. The development would feature product atypical for Avondale, including courtyards, semi-detached casitas, and three-car garages. The PAD fits the General Plan land use density closely. The developer has requested more lot coverage and dwelling height increases for the townhomes.

Mr. Morgan said the PAD was initially approved under the old General Plan land use map with lower density along Buckeye Road. Staff agreed with the Applicant that lower density uses should be moved off arterial roads and further into the site. Overall density would remain the same. This request did not have to go before the Planning Commission. If City Council decides not to grant the extension, an ordinance for reversion has been prepared to convert the PAD back to Agriculture. Staff recommends approval.

Council Member Weise described this plan as one of the better plans he has seen, and felt it would make no sense to start over again at this point. Mayor Lopez Rogers opened the public hearing. With no requests to speak coming forward, she closed the public hearing.

Council Member Weise moved to approve application PL-13-0077, a request for a one-year extension of PAD zoning for Diamond P Ranch, to expire April 17, 2014. Council Member Veirhout seconded.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Weise	Aye
Mayor Rogers	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

5) PUBLIC HEARING AND RESOLUTION 3107-513 – NORTH AVONDALE SPECIFIC PLAN UPDATE

A public hearing and a resolution approving a City-initiated request for a comprehensive amendment to the North Avondale Specific Plan (NASP) to establish architectural and design standards for development, open spaces and trails, and public spaces such as streets.

Ken Galica, Development Services, noted that the NASP was originally adopted in 1992, and was amended in 2002 and 2007. The purpose of the plan is to establish goals and objectives for north Avondale and establish design criteria for development. Land uses are governed by the General Plan 2030. The update extends the boundaries of NASP south to McDowell Road. Some individual properties have been excepted, and properties along 99th Avenue have been moved into the Freeway Corridor Specific Plan.

Mr. Galica identified that the updated plan contains four sections: Introduction and Background, Specific Plan Objectives, Design and Development Requirements, and Public Participation. The update proposes eight objectives:

1. Facilitate the full build-out of north Avondale
2. Ensure aggregate mining does not negatively impact the community
3. Take full advantage of Estrella Mountain Community College
4. Increase the availability of multimodal transportation options
5. Attract unique residential products and subdivision designs
6. Protect the existing character of north Avondale through compatible design
7. Develop a sense of place in north Avondale
8. Provide recreational opportunities for residents

Mr. Galica said the area is largely developed already, but nine significant sites remain available for development. The document requires any building above two stories to feature a minimum of eight feet step backs in order to protect views. NASP encourages developers to offer housing product unavailable elsewhere in the city. The plan requires more frequent pedestrian breaks in subdivision perimeter walls. Controlled access is an option, if neighborhoods feel their safety is at risk. The use of pocket parks in key areas would improve connectivity with commercial developments. The document emphasizes the importance of a complete streets concept to accommodate all modes of transportation. Developers will be responsible for creatively designing transit stops where required.

Mr. Galica said NASP encourages the elimination of neighborhood perimeter walls, in favor of berming. Gateway intersections would use dramatic landscaping, seating and signage to let people know they are entering Avondale. The Roosevelt Irrigation District (RID) has indicated that they do not wish to pursue the possibility of using the existing canal maintenance roads for recreational purposes, so private development will instead be required to dedicate property for recreational trails adjacent to the canals.

The Planning Commission reviewed the NASP on April 18, 2013, and recommended approval, four to zero. Three Commissioners were excused from the meeting.

Council Member Vierhout expressed approval of the plan overall, but said it misses the opportunity to create a vibrant educational center by reserving some high-density housing around the college, which would help attract international students. Mr. Galica reminded Council that land uses are addressed through the General Plan. Council Member Weise queried whether the NASP would allow EMCC to build on-campus housing. Mr. Galica responded that nothing in the plan prevents the college from building housing on their own property.

Vice Mayor Scott inquired about the procedure a developer would have to go through to build high-density housing near the campus. Mr. Galica explained that beyond the usual steps, such development would require a General Plan amendment and a PAD rezoning amendment. The process could take as little as six months. Mayor Lopez Rogers asked whether the current C-2 Zoning District would allow for high-density residential. Mr. Galica said C-2 allows for second story residential as long as the first floor is for commercial use.

Mayor Lopez Rogers opened the public hearing. With no citizens wishing to speak, she closed the public hearing.

Council Member McDonald moved to accept the findings and adopt a Resolution approving Application PL-11-0081, a request to approve the amended North Avondale Specific Plan. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Weise	Aye
Mayor Rogers	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

6) PUBLIC HEARING AND RESOLUTION 3108-513 – SINGLE FAMILY RESIDENTIAL DESIGN MANUAL UPDATE

A public hearing and a resolution approving a City-initiated request to update the Single Family Residential Design Manual (SFRDM) to establish criteria for the development of new residential subdivisions in Avondale.

Ken Galica, Development Services, said the SFRDM was originally adopted in 2008. It affects residential development citywide, and prescribes design requirements and subdivision layouts. The purpose of the document is to further the goals and strategies of the General Plan, enhance the variety of housing available in Avondale, diversify recreational opportunities, encourage pedestrian and bike path connectivity, and ensure quality of design.

Mr. Galica said the Introduction section has been updated to communicate the new vision of General Plan 2030, which is to develop a walkable and sustainable community. A new section called Unique Neighborhoods establishes specific requirements for residential development based entirely on General Plan land use designations, instead of using a one-size-fits-all approach. New Urbanism is a relatively new design trend that emphasizes traditional forms and common spaces. Suburban development focuses on shaded sidewalks, rear yards that adjoin open spaces, and de-emphasizing garage doors. Infill development minimizes the impact of new development on mostly built out areas. Estate subdivisions create a rural feel through low-impact curbing and no sidewalks.

Mr. Galica said some of the requirements in the Site Design section apply to all development, regardless of General Plan designation, and are intended to further the goals of the document. The safety section explains how community policing through environmental design principles can reduce criminal activity. Architectural design speaks to what homes should look like, and delves into issues of sustainability, materials and colors, architectural elements, massing, and roof materials.

The Planning Commission reviewed the document on April 18, 2013, and recommended approval four to zero. Three Commissioners were excused.

Council Member Buster inquired about reactions from the building community. Mr. Galica explained that homebuilders are formally opposed to SFRDM, as they are opposed all design manuals. The City worked with builders to clarify requirements, but did not compromise on necessary components. Builders generally feel that buyers should dictate what they want, but the cost of installing these features is cheapest when they are first built. He noted that Carolyn Oberholtzer, the applicant for the Diamond P Ranch property, came out in support of the document.

Council Member McDonald said the standards described in the manual emulate neighborhoods that have successfully developed a hometown feel. Municipalities have to ensure that the right mix of homes is built if they hope to create an attractive community. Vice Mayor Scott concurred.

Mayor Lopez Rogers opened the public hearing. With no requests to speak, she closed the public hearing.

Council Member McDonald moved to accept the findings and adopt a Resolution approving Application PL-12-0140, a request to approve the amended Single Family Residential Design Manual. Council Member Karlin seconded.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Weise	Aye
Mayor Rogers	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

7) RESOLUTION 3113-513 – SETTING FORTH THE FISCAL YEAR 2013-2014 TENTATIVE BUDGET

A resolution to set the 2013-2014 fiscal year tentative budget which will set the coming year's expenditure limit.

Kevin Artz, Finance & Budget Director, said the resolution sets forth the tentative budget in the amount of \$174,247,960. Four items were added to the original City Manager's recommended budget presented on April 15, which totaled \$171,895,520. An additional \$10,000 was added to the Contributions Assistance Program. Also, \$7,000 was added to the Council Discretionary Funds. Since the April 15 meeting, two capital projects received better cost estimations. The Van Buren Drainage Channel needs an additional \$750,000, while the City Center Transit Project needs \$1.5 million. The \$7.8 million of unrestricted General Fund balance would drop to \$5.8 million to cover these expenses.

Mr. Artz stated that a public hearing on the budget and the property tax levy is proposed for June 17, 2013. Staff recommends adoption of the resolution.

Council Member McDonald moved to adopt Resolution 3113-513 setting forth the fiscal year 2013-2014 tentative budget and authorize staff to proceed with the required publication process. Council Member Weise seconded.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Weise	Aye
Mayor Rogers	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye

Council Member Buster

Aye

Motion carried unanimously.

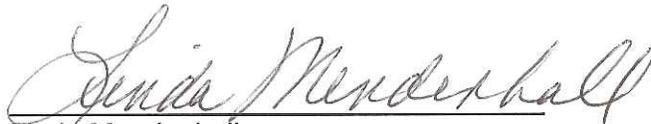
8) ADJOURNMENT

With no further business before the Council, Council Member Weise moved to adjourn the meeting. Council Member Vierhout seconded the motion. All ayes.

Meeting adjourned at 7:53 p.m.



Mayor Lopez-Rogers



Linda Mendenhall
Records Administrator

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CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 20th day of May, 2013. I further certify that the meeting was duly called and held and that the quorum was present.



Linda Mendenhall
Records Administrator

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